App F IX 4

1946 (W)

File No 39 - 46

(W)

Serial Nos 56, 57

Previous References
W 11-46 (85, 86)

Later References
C 4C 10 - 50 - (5, 6)
CM 29-54-5, 8,
W 4 CMD 58

GENERAL AND REVENUE SECRETARIAT

Serial Nos
Two

Part B for Approval

SUBJECT

Tender for the Construction of the Sheep Slaughter House at Kasr

K 13577 Dt 7-4-47

To

The President, City Municipality

Bombay

Approval of the acceptance of the Tender of M/s Ranjalgo & Co Contractors with certain observa

- 7817
- L

From the president, city Municipal Council Mysore
MS - C 546 - 139 dt 17-3-47

states that the Mysore city Municipal Council has resolved to request the Govt, vide Agam, to reconsider their orders conveyed in Govt No L 3051 - Mll 11-46-Sr dt 5-7-46 + dt 8-5-47 dt 10-12-46, so as to entrust the construction of the sheep slaughter House at Kesare - to Mr Venkappa, contractor, at the lowest tendered rates offered by Messrs Putta Swamaiah & Bros and adds that he has authorised Mr Venkappa to proceed with the work in anticipation of that sanction

---

1) In Connection with the construction of the sheep slaughter House at Kesare - Mysore city, tenders were called for by the president, city Municipal Council - Mysore

2) In response thereto, the tender of Mr Venkappa, contractor was the second lowest tender — the lowest tender being that of

Messrs puttaswamaiah and Bros

3) The president Mysore city Municipal Co recommended the acceptance of the tender of Mr Nanjappa, contractor, at the lowest tendered rates offered by Messrs puttaswamaiah and Bros on the following grounds.—

1) that in view of the urgency, work order had been issued to Mr Nanjappa and that he has collected materials

2) that it would be unfair to deprive him of the work and that it would also lead to some further Complications

4) In the G.O. dated 5-7-46, it was ordered that the lowest tender of Messrs. M puttaswamaiah and Bros should be accepted as advised by the Chief Engineer for Roads and Buildings

5) Again the Municipal president urged for

a reconsideration of the above orders

6 ~~The~~ Govt dated 10-12-46, it was ordered that the proposal offends against the fundamental principle of disposing of tenders and that it was irregular to have anticipated Govt sanction and that there were no good grounds to reconsider the orders already passed

Flag A)

7) It is now reported that orders have been issued to M/s Mangappa, contractor to proceed with the work, in anticipation of Govt sanction

8) The President has again recommended a reconsideration of the orders, so as to entrust the work to M/s Mangappa alone, in accordance with the resolution of the M C dated 3-3-47

for 24/3/47 JM

for orders

24/3/47

9) The President, city Municipal Council, Bangalore, has been repeatedly

7P17
P

urging for the reconsideration of the orders passed by Govt. Although the action taken by the President in anticipation of sanction of Govt is fundamentally opposed to the principle of disposing of of tenders and although it was irregular to have anticipated Govt sanction, yet considering the fact that the Mil Council and its President have committed themselves to a particular course of action and have over issued a work order as far back as 29-7-44, it appears necessary to extricate them from the unhappy and awkward position into which they have put themselves.

10) With these observations I think that the recommendation of the Mil President may be approved and he may be strictly instructed not to anticipate Govt sanction in future and not to deviate from well established rules and principles of disposing of tenders.

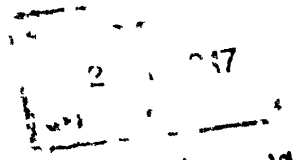
Submitted for Edn & P.W.

27/3/47

Dft Memo 3 for 26/3/47 27/3

Fin Edn Deptt
Dated 26/3
No 6142.

7817 / L 58095



Submitted with a draft reply for appr

Newsreg for 29/8/95

24/3

9499/2/4

24

Issue for 29/8/95

To

The President-City-Mill of - Mysore

" Controller to Govt

13557 of 4-4-46

Advises the acceptance of the tender of M/s Nafatlal, Contractor, with certain observations

B

ml 39-46-56

No M5 C 586-139 US-6 ew rech

Encl

7817

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE

From

Date 17th March, 47 19

R Ramachandra Rao Bhombore, Esq, B A
President City Municipal Council
MYSORE

REVENUE SECRETARY
No D 213
GOVERNMENT OF MYSORE

H.N PALLEGAR, ESQ, M A, LL B.,
Secretary to Government,
Revenue Department,
Bangalore.

Sir,

Subject - Tender for the construction of Sheep Slaughter House at Kesare

---

Adverting to correspondence ending with your letter No L 8564-M1.11-46-86 dated 10-12-1946 intimating that there are no grounds for reconsidering the orders conveyed in your letter No L 3051-M1. 11-462 dated 5-7-1946 not to entrust the work to Mr Nanjappa, Contractor, at the lowest rates tendered by Messrs.Puttaswamiah and Bros, I have the honour to enclose a copy of the resolution passed by the Municipal Council at their meeting held on 3-3-1947 to the effect that Government may be requested once again to approve the resolution of the Council ~~in Council resolution~~ No 789 passed on 26-2-1946 and that the work be entrusted to Mr B.Nanjappa at the lowest tender rate etc, in view of the urgency of the work and that a work order was already been issued to him so long back as 29-7-44 and to state as follows

The circumstances under which the tender of Mr Nanjappa were accepted and the work entrusted to him have been explained in detail in this office letters No E3 PC 91/45-46 dated 23-5-46 and also M5 C 586-138/45-46 dated 17-10-46 The work is of an urgent nature in as much as loud complaints are being received from the public and the Health Department about the unsatisfactory condition of the present temporary structure which was put up to serve ~~to some~~ for a very short period and where no arrangements could be made for the 'Airing' of the carcasses As such, immediate orders were given to Mr Nanjappa who has collected some materials Before he could commence the work some alterations were suggested which necessitated the revision of the estimate All along Mr Nanjappa has waited patiently and has

sustained loss by the pilferring of the materials etc.

In addition to this, he has also incurred heavy loss in the construction of the temporary slaughter house owing to the change of site, revision of the estimate which entailed prolonged correspondence resulting in a long delay in the payment of his bills amounting to about Rs.12,000/-.

Considering all these facts, the Council thought that it would not be fair if Mr Nanjappa were to be deprived of the work and accordingly resolved in 1946 to entrust the work to him.

He once again urged that the work may be entrusted to him in view of all the foregoing facts and the Council before whom the subject came up considered all the aspects of the case again and again resolved that Government be requested to kindly accord approval to the resolution of the Council passed on 26-2-46 after a detailed consideration of the circumstances of the case and the work be entrusted to Mr Nanjappa immediately at the lowest tender rates in view of the deplorable condition of the temporary slaughter house.

I have accordingly issued orders to Mr.Nanjappa to proceed with the work in anticipation of Government sanction and request to kindly obtain early approval to the resolution of the Council to entrust the work to Mr Nanjappa

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT.

17.3.47

Proceedings of the Adjourned General Meeting of the Municipal Council held in the Municipal offices on Monday the 3rd March, 1947 at 5 P M

---

818 Municipal Engineer's note dated 13-2-1943 for considering the question of entrusting the work of the construction of the Sheep Slaughter House to Mr B Nanjappa, Contractor, who may try to seek relief in a Court of Law for suing the Municipality for damages, with the President's opinion that in view of the fact that during retender ~~hax~~ has agreed to execute the work at the lower rate offered by Messrs Puttasamiah and Nanjappa will be made to suffer for no fault of his and he will have a good grievance if the contract is denied.

"This Council requests the Government once again to kindly approve their resolution No 789A dated the 26th February 1946 in the circunstances stated therein In view of the most deplorable insanitary condition of the temporary slaughter house and the urgent need for the construction of the permanent building, the Council have entrusted the work to Mr Nanjappa to whom work order had already been given on 29-7-1944 in anticipation of Government approval.

Sd R.Ramachandra Rao Bhombore,
President.

"COPY"

PRESIDENT

B Nanjappa,
Contractor,

272, Near Chamundeswari,
Talkies, Mysore
7.1.1947.

To
Minister
for Local Self Govt
in Mysore, Bangalore (Camp) Mysore

Sir,

Re Construction of Sheep Slaughter house at Kesare Mysore
--

I beg to submit the following few lines for your kind consideration and favourable orders

In the connection of the above construction, my tender was accepted as per Council Resolution No 942 in the month of July '44 and the Municipal Authorities had given me work order to collect the materials in the spot - pending sanction of the Government, the copy of which is separately enclosed, on the basis of which I had to invest upto Rs 16,000/- including advances to coolies and materials as the time then was very precarious to get the labourers which is to be considered as complete loss if we don't extract the work Meanwhile, as the shifting of the premises of slaughter house was urgent, even the work of constructing temporary slaughter house was entrusted to me, the final bill of which amounting upto Rs 3000/- is yet not being made paymert

Then retendered were called for on the plea that the design of the construction was revised by Director of Public Health and estimate with the details of quantities being changed Whereas the estimate in favour of my tender was sanctioned by the Government for Rs 32,000/-

Afterwards I raised my objections not to recall for tenders Then the Municipal Engineer considering my position advised me to quote again on the same deposit I had already made, the copy of which also is separately attached The said deposit still remains in the Municipality itself

Then the Municipal Counsil held on 26 2 46 resolved in my favour provided I agree to take up the work for Rs 52500/-

dated 26 2 46
as per resolution No 789/ for which I made reference for my acceptance and conceded to undertake the work accordingly. (Copy of Resolution enclosed)

In the mearwhile I learn that the Govt has passed orders against me, on the ground that it will be against the fundamental theory even not considering the strong recommendation of the Municipal authorities mentioning the facts of my losses and further complications that may arise, while the first deposit made by me still remain in the Municipality

In this connection, I beg to submit that while my tender was actually accepted by the Municipal Council Resolution No 942 in the month of July'44 and while the Municipal authorities also issued me work order to collect the materials, and above all, while the Municipal Council also resolved on 26 2 46 to entrust the said work to me if I accept to undertake the same for Rs 52,500/- during which I would like to mention that the difference between mine and the other contractor was only 3%, (for which I have given my consent) the copy of which is separately attached, it would be really subjecting me to heavy loss if I am not entrusted with the work and if the same is otherwise disposed off I beg to be pardoned if I submit in this instance that it is against the furdamental theory to have really called for retender, while my first tender was actually sanctioned vide Resolution No 942 in the month of July'44 and even by the Government, and it would have also been quite equitable to have made a reference to me of any such modification in the design of the construction instead of, at randum to have called for retender

However, I appeal to your Honour kindly to call for all the concerned records in this matter from the Municipal authorities, and after hearing my personal representations and judging the equity, reason and merits of my case, to be good enough to revive the adverse order now passed against me and be good enough to entrust the contract to me alone and thereby avoid the big loss that I might otherwise be made

made to bearupon, which act of your Honour will be of great help to me and in conformity with Law and equity

In the meanwhile as I apprehend that the Municipal authorities might otherwise dispose off the contract to others, I request to issue "STAY ORDERS" to the said authorities to keep the matter pending till my application is entirely heard and disposed off

Awaiting the favour of kind endorsement

I beg to remain,
Respected Sir,
Most obediently yours,
B Ramayya
Contractor

Date 15/1947

Encl 5

MYSORE CITY MUNICIPALITY

Sanction No 942 Date 29th July'44

Authority C R Budget Head

Provisional Provision for the year

Final Total authorised expenditure including this sanction

Amount Rs 21,500/-

Particulars Approved the tender for constructing a Sheep Slaughter House at 39% more than the estimated rates, and intimated to collect the materials at Kesare pending sanction of Government

Special Instructions, if any

Mr B Nanjappa

Sd/Ramanjiyengar
Sub-Overseer

Sd/B R Manikyam
Municipal Engineer

"True copy"

No F5 P C 91/45 46 Office of the Municipal
Ergineer,
City Municipal Council,
Mysore, dated 25 1 1946

--

To
Mr B Nanjappa,
Contractor, residing behind
Chamundeswari Talkies, Mysore

--

With reference to his application dated 16 1 46 but received on 22 1 46 putting forth certain representations in connection with the acceptance of his tender for the construction of new sheep-slaughter house at Kesare, the applicant is hereby informed that as the design of the new slaughter house has been since changed under the Orders of the Govt, the estimate with the details of quantities etc, has changed, The re-tenders have been called for according to the new design and the estimate as there is abnormal charge in the items of works Re his representation of collection of materials, he is hereby informed that the undersigned and the Presidert have several times, inspected the spot since last 2 or 3 months but not even a single stone collected on the spot was found The old estimate together with his tender accepted has, therefore, been ordered to be cancelled However he may give fresh tender for the work now called for on the same deposit he has already paid

Sd/R Y Raju
Municipal Engineer

"True Copy"

M/ EI.P C 91/45 46 Office of the Municipal Engineer, City Municipal Council, Mysore dated 5 3 1946

--

To

Mr B Nanjappa
Contractor, Behind Sri Chamundeswari Talkies, Mysore

Sir,

I write to intimate that the Municipal Council have, at their meeting held on 26 2 46, resolved that the work of construction of new slaughter house at Kasare may be entrusted to you for execution in case you agree to execute the same at the lowest tender rate namely Rs 52,500/- or an usual conditions I request you kirdly to intimate your willingness in the matter within 3 days

Yours faithfully,
Sd/R Y Raju
Municipal Engineer

--

"True Copy"

Municipal Engineer,
City Municipality, Mysore

Re Construction of New Slaughter House at Kesare

Sir,

I acknowledge your esteemed communication No. I P C 91/45 46 of 6 3 46 intimating me that at the Municipal Meeting held on 26 2 46 they have resolved to entrust the above work to me, if I agree to execute the same at the lowest tender rate namely Rs 52,500/ In the circumstances, I agree to do so and request your goodself to kindly issue necessary permits to purchase the controlled materials required viz cement and wood and Iron materials, etc direct and thus help me to execute the work Permission may also be given to me to utilize the well water for the work from the municipal tank, located in that vicinity

Thanking you much

Yours obediently

Sd/ B Narjappa, Contractor

Date 6 3 46

"True copy"

[illegible] adjourn a certain meeting of the municipal Council held on Tuesday, the 27th December 1949 at 4 p.m.

---

x x x x x

Xxxxxxxxx

789 A [illegible] Committee resolution No. xCo/13-xxx6 re [illegible] in view of the representation of [illegible] Manjappa, dated 29.12.49 the work of the construction of the [illegible] higher level [illegible] to entrust it to him if he is agreeable to execute the work at the lowest tender rate, i.e. Rs.2,5[illegible]/- on the usual conditions.

The aforesaid Committee's resolution is approved. In case Mr. Manjappa does not agree to execute the work at the lowest tender rate, the contractor who has given the lowest tender may be given the contract.

"True copy"

Immediate

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

No 18857 dt 7/6/47

To The President City Municipal Council Mysore

Tenders for the construction of the Sheep Slaughter House at Relare

Sir,

With reference to the correspondence ending with your letter No M-5 c 556-139 dated 17-3-47, requesting AS-6 approval to the Resolution dated 3-3-1947 of the Mysore City Municipal Council to entrust the above work to Mr Nanjappa contractor - to whom a Work order had already been issued on 29-7-1946, in anticipation of approval of the Govt thereto, I am directed to point out that it was irregular to have anticipated sanction of Govt in this case especially when it was fundamentally opposed to the principle of disposing of

WD 0436—GPB—10 000—17-10-33

of tenders.
view of special
In the circumstances
referred to by you, sanction is,
however, accorded to the
action taken by you in
entrusting the above work to
Mr Wanjohi, contractor, at
the lowest tender rates,
with the observation that the
sanction of Govt in such
cases should not be anticipated
in future and the well-established
rules and principles of
disposing of tenders should
not be deviated from under any
circumstances

Yours
W. [illegible]/4
from Revenue Secy
Memo no:- Lo 13558 / 7/4/47
Copy sent to the Auditor
for information
By
for
Revenue Secy